IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 74 of 2000
with
Civil Application No.2970 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MODI NAILESHKUMAR DASRATHLAL

Versus

PANDYA JAYANTILAL NARAYANBHAI

Appearance:
MR BS PATEL for the Petitioner.
MRS RANJAN B PATEL for Petitioner No. 1
MR PK JANI for Respondent No. 1-6
MR PUSHPADATTA VYAS for Respondent No. 7

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 29/11/2002

ORAL JUDGEMENT

By the impugned order, the appellate Judge has

granted leave to the present respondents 1 to 6 to prefer an appeal against the decree in question, which is a consent decree. The order of the appellate court is not required to be interfered with by this Court in a revision under S.115 of CPC. However, it would be open for the present petitioner to raise all available points before the appellate court as and when the appeal is taken up for hearing on merits.

Subject to the above observations, the CRA is dismissed. Rule is discharged with no order as to costs.

In view of the order in the CRA, no order in Civil Application No.2970 of 2000.

29th November, 2002 (P.B. Majmudar, J.)

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(apj)